

COMBINED NOTICE OF FINDING OF NO SIGNIFICANT IMPACT
AND INTENT TO REQUEST RELEASE OF FUNDS

Name of Contractor: City of Montgomery
Address: P.O. Box 708
Montgomery, Texas 77356
Telephone Number: 936-597-6434
Contract No.: 7215112

Posted: September 29, 2015

This Notice shall satisfy the above-cited two separate but related procedural notification requirements.

REQUEST FOR RELEASE OF FUNDS

On or about October 19, 2015, the above named municipality will submit a request to the Texas Department of Agriculture (TDA), for the release funds under Section 104 (F) of Title I of the Housing and Community Development Act of 1974, as amended, to undertake a project named Mont15TCF-Pizza.

Purpose of Project:

The purpose of this project is to extend water and sewer to a proposed commercial business.

Description of Project:

This economic development project will provide water and sewer improvements for the City of Montgomery in support of Azzip Enterprises Inc., D.B.A. The Pizza Shack (herein referred to as the "Company") a restaurant facility. The location of the building and land at the corner of State Highway 105 and Stewart Creek Road is defined as the Company's project site. The infrastructure improvements are the minimum necessary and will enable the company to begin operations in the City of Montgomery.

ACTIVITIES

ED Financial Assistance to For-Profits Contractor shall provide water and sewer improvements to enable the Company to begin operations on Texas State Highway 105 in Montgomery, Montgomery County, Texas.

Water Improvements

Contractor shall install approximately one thousand seven hundred fifty linear feet (1,750 l.f.) of twelve-inch (12") water line, one hundred linear feet (100 l.f.) of steel casing and trenchless construction, five (5) fire hydrants, seven (7) valves and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from Stewart Creek Road to approximately 1,750 linear feet west

Sewer Improvements

Contractor shall install approximately one thousand three hundred linear feet (1,300 l.f.) of eight-inch (8") sewer line, five (5) manholes, two hundred fifty linear feet (250 l.f.) of steel casing and trenchless construction and necessary appurtenances. Construction shall take place at the following locations:

- Texas State Highway 105 from Stewart Creek Road to approximately 1,300 linear feet west

Acquisition

Contractor shall acquire necessary easements. Contractor shall carry out all acquisition of needed real property, easements, and/or rights-of-way in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. Sec. 4601 et. seq.) and HUD implementing regulations (24 C.F.R. Part 42).

Project size: Area of disturbance - approximately three (3) acres

Project Issues:

None identified.

Mitigation Measures/Conditions/Permits (if any):

None identified.

Project will benefit: As a result of this Project, Contractor shall ensure that the Company creates thirteen (13) permanent new jobs at the Company project site described above. Of the thirteen (13) total jobs, fifty-one percent (51%) or seven (7) jobs total shall be held by LMI persons prior to the contract termination date.

Total Cost: Project will cost \$2,050,000 and will be paid for with a \$325,000 grant from the Texas Department of Agriculture, \$75,000 from the City of Montgomery EDC and \$1,650,000 from Azzip Enterprises, Inc.

FINDING OF NO SIGNIFICANT IMPACT

The City of Montgomery has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at City Hall and may be examined or copied weekdays during regular business hours.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the designated office responsible for receiving and responding to comments: The City of Montgomery, P.O. Box 708, Montgomery, Texas 77356. All comments received by October 19, 2015 or within eighteen (18) days following this posting (whichever is later) will be considered by the City of Montgomery prior to authorizing submission of a request for release of funds. Commenter's should specify which part of this Notice they are addressing.

RELEASE OF FUNDS

The City of Montgomery certifies to TDA that Kirk James, in the official capacity as Mayor, consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. TDA approval of the certification satisfies its responsibilities under NEPA and related laws and authorities, and allows the City of Montgomery to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

TDA will consider objections to its release of funds and the City of Montgomery's certification received by November 4, 2015 or a period of fifteen (15) days from its receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer or other officer of the City of Montgomery approved by the TDA; (b) of the City of Montgomery has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient or other participants in the project have committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the TDA; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to the TDA, 1700 North Congress Avenue, 11th Floor, Austin, Texas 78701. Potential objectors should contact the TDA to verify the actual last day of the objection period.

Certifying Official: Kirk Jones, Mayor